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October 19, 2009

VIA ECF

Honorable Jose L. Linares, U.S.D.J.
United States District Court
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Larson, et al. v. AT&T Mobility, et al.
Civil Action No. 07-5325 (JLL)

Dear Judge Linares:

We are co-counsel for the Class in the above matter. This responds to Mr. Bursor's October 16, 2009 letter (Docket Entry 395) regarding discovery issues. We also join in the points raised by Sprint in response to Mr. Bursor's letter.

First, the discovery which Mr. Bursor seeks is late. In its June 2, 2009 Order approving the Amended Notice Plan, the Court also set October 21, 2009 as the date for the renewed Final Approval Hearing. Rather than using the four months prior to the Hearing to gather the information he wanted, he served renewed discovery requests *after* his renewed objections on October 7. He served additional discovery requests on October 14. Rule 34 provides for 30 days to respond to requests for production. His waiting until past the last minute to request discovery and demanding immediate responses from the parties is unreasonable. His bringing the discovery dispute to the Court's attention on the Friday afternoon before a Wednesday hearing is likewise unreasonable and discourteous to the Court. All the other parties and the Court should not be required to drop everything to accommodate Mr. Bursor's schedule, nor should the hearing be adjourned because of Mr. Bursor's dawdling.

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Substantively, Class Counsel filed updated claims information. (*See* Declaration of Karin Carmin, Docket Entry 384-4). That information is sufficient to allow Mr. Bursor, if he so chooses, to frame a reasoned objection to the Settlement. Sprint, rather than Class Counsel, would have any information relating to the Rice Declaration, but those requests should have been made long ago, since Mr. Rice's Declaration was filed on May 20.

It is our understanding that Mr. Bursor has been provided information regarding disbursements from the Settlement Fund thus far, as he requests in his October 14 discovery requests. His request for documents for an accounting of anticipated disbursements from the Settlement Fund is silly. First, no such documents exist, and, in any event, it would be impossible to provide an accounting for disbursements that haven't been made. That said, the anticipated disbursements from the Fund are rather obvious: whatever attorney's fees and disbursements are awarded by the Court and payment for whatever allowable claims that come in before the claims deadline.

We are available at the Court's convenience to discuss these issues, but we do not believe that they warrant the Court's attention other than to deny Mr. Bursor's request outright.

Thank you for your continued attention to this matter.

Respectfully Submitted,

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN



LINDSEY H. TAYLOR

cc: All Counsel (via ECF)